City of Seattle

Gregory J. Nickles, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2400369, 2400370, 2400371 & 2400372

Applicant Name: Rachel Ben-Shmuel for Seattle Popular Monorail Authority

Address of Proposal: 3899M – 15th Ave Northwest

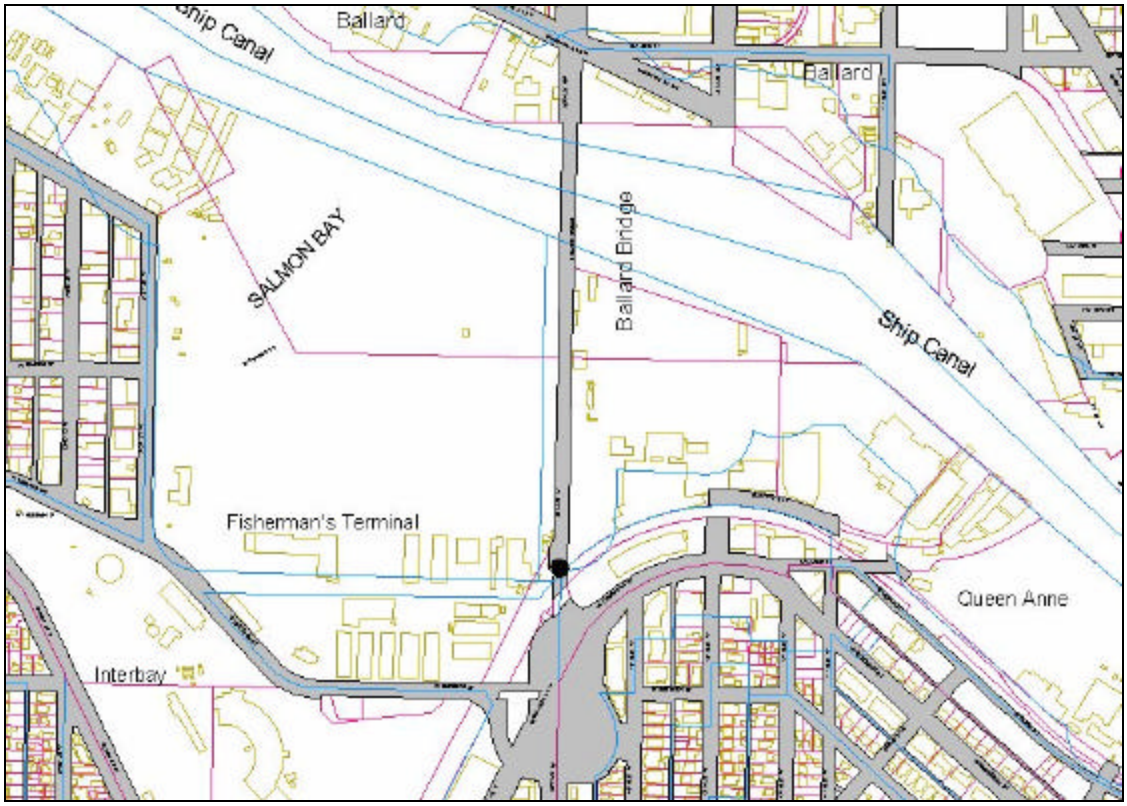
SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of a 30 ft. wide, 1,832 foot-long monorail transit guideway and bridge structure to cross the Ship Canal waterway. The span will be located 50 feet west of the existing Ballard Bridge at maximum clearance heights between 135 ft. and 150 ft. above ordinary high water mark. Project includes a total of 11 pier/columns located in-water and on dry land. Final Environmental Impact Statement prepared by Seattle Monorail Project and the United States Coast Guard.

The following approvals are required:

- **Substantial Shoreline Development Permit, Seattle Municipal Code (SMC) Chapter 23.60**
- **Master Use Permit for a Monorail Transit Facility, SMC Chapter 23.80**
- **SEPA - for conditioning only – SMC Chapter 25.05.660**

BACKGROUND DATA



The Seattle Popular Monorail Authority (SMP) is proposing a new bridge to cross over Salmon Bay as part of SMP's Green Line. The subject of this Analysis and Decision (Ballard Crossing) is the segment of the Green Line proposed to span Salmon Bay, including its associated navigation channel (Ship Canal) and adjacent designated shoreline environments. The Ballard Crossing consists of "monorail transit facilities" within the meaning of SMC 23.84.025, including but not limited to the bridge, its guideway, and structural supports. Salmon Bay, including the Ship Canal, is surrounded by several neighborhoods. Salmon Bay is located south of the Ballard neighborhood, north and east of the Magnolia/Interbay neighborhoods and west of the Fremont/Interbay neighborhoods. The proposed Ballard Crossing will cross Salmon Bay approximately 50 feet west of the western edge of the existing Ballard Bridge, a drawbridge span. The proposed Ballard Crossing will vary from heights from 135 feet to 150 feet above the Ordinary High Water Mark (OHWM) of Salmon Bay.

The development site is located in several zones and several shoreline designations. Starting from the north end of the proposed Ballard Crossing, the underlying zoning is IG1 U/65, covering both dryland and submerged lots and extending horizontally from approximately 200 feet upland of the OHWM inward to the middle of the Ship Canal. The zoning over the remaining development area south of the middle of the Ship Canal is IG1 U/45. The shoreline designations are Urban Industrial north of the Ship Canal, Conservancy Navigation in the Ship Canal, and Urban Maritime south of the Ship Canal

The proposed Ballard Crossing, comprised of both a box-girder bridge with support pier/columns on either side, will span approximately 1,832 feet of the shoreline environment. The specifics of the

proposal are contained in the Joint Aquatic Resources Permit Application (JARPA) and supporting permitting materials received by DPD. SMP has proposed that 11 pier/columns will be required to support the bridge. Two of the 11 proposed pier/columns would be located landward of the OHWM, while the remaining pier/columns will be located waterward of the OHWM. The pier/columns will vary in height and dimension, but are generally anticipated to each be between 8 and 12 feet in diameter. For the nine pier/columns located within the water, a total of approximately 1,200 square feet of substrate at the mudline will be removed to provide structural support for the pier/columns, which are proposed to be up to 6,000 square feet of concrete column surface area above the mudline and below the surface of the water. In-water pier/column construction will require the use of barges to support the construction area for the pier/columns. Coffer dams, estimated to be approximately 48 feet by 48 feet, to support in-water construction will also be required to avoid or minimize aquatic impacts. To avoid impacts to aquatic habitat and species in the shoreline area, all in-water pier/columns will be placed at least 100 feet waterward from the ordinary high water mark and approximately 50 feet landward of the ordinary high water mark. To accommodate construction activities, several temporary, in-water structures will be required, including trestles, pilings and other similar structures.

Public Comment

The comment period began on April 15, 2004, and ended May 14, 2004, as required for shoreline permits. One comment letter was submitted during this time period from the Muckleshoot Indian Tribe. Issues in this letter include the appropriateness of the proposed mitigation, including out-of basin mitigation for impacts of fish habitat, shading from columns, as well as concern about the timing and likelihood of mitigation being completed

ANALYSIS – MONORAIL TRANSIT FACILITIES

As part of the Master Use Permit process detailed in SMC 23.76, approval of a monorail transit facility is a Type 2 decision. The following is an analysis of the code sections applicable to monorail transit facilities:

1. Monorail transit facilities necessary to support the operation and maintenance of a monorail transit system are permitted in all zones within the City of Seattle, except that a monorail operations and/or maintenance center is prohibited in a residential or neighborhood commercial zone. Any commercial use over two hundred (200) square feet as part of a monorail transit station is prohibited unless otherwise permitted in the underlying zone.

The proposed Ballard Crossing meets this requirement.

2. The Director may approve a monorail transit facility, pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, only if the horizontal and vertical alignment and locations of the monorail guideway, monorail transit stations, and monorail operations center have been approved by the City Council by ordinance or resolution. The City Council may also approve the horizontal and vertical alignment and location of other monorail transit facilities.

City Council Ordinance 121500 approving the vertical and horizontal alignment of the entire Green Line was passed on June 14, 2004.

3. The Director shall review for approval all monorail transit facilities, except monorail guideways, which must be reviewed for approval by the Director of Transportation pursuant to the procedures of Title 15, provided that for any monorail transit facility or portion thereof subject to review pursuant to Chapter 23.60, the Director shall conduct the review required by that chapter.

The scope of this permit addresses both shoreline permitting (under SMC Chapter 23.60) and environmental review of the proposed Ballard Crossing. Other approval of the Ballard Crossing (as a "monorail guideway") will occur by the Seattle Department of Transportation, prior to issuance of construction permits.

4. A Master Use Permit is not required for minor alterations of monorail transit facilities involving no material expansion or change of use, and other minor new construction at monorail transit facilities that, in the determination of the Director, is not likely to have significant adverse impacts on surrounding properties.

Not applicable.

5. Waiver or modification of development standards.

a. Where necessary to achieve consistency with the terms of the City Council's approval of the monorail transit system, development standards, including but not limited to, height, setbacks, yards, landscaping, or lot coverage, may be waived or modified, provided that height may be waived only for the monorail guideway or monorail transit stations and not for any other monorail transit facilities, and further provided that height of monorail transit stations shall not exceed sixty-five feet (65') or the height limit in the underlying zone, whichever is greater.
b. To promote consistency with any monorail transit system-specific design guidelines to be developed by the City and a city transportation authority and approved by the City Council by ordinance, development standards other than height may be waived or modified.
c. Development standards may be waived or modified under this subsection only for structures or portions of structures that are devoted to a use directly associated with operation of the monorail transit facility and not for other portions of the structure unrelated to the monorail transit use.

No development standards are waived with this proposal.

6. The Director may impose reasonable conditions:

a. Where necessary to achieve consistency with the terms of the City Council's approval of the monorail transit system; or
b. Pursuant to Chapter 25.05 to lessen identified impacts caused by the monorail transit facilities; or
c. To ensure consistency with any monorail transit system-specific design guidelines to be developed by the City and a city transportation authority and approved by the City Council by ordinance.

City Council Ordinance 121446, passed by the Council on April 19, 2004, adopts Design Guidelines that apply, among other things, to the design of any bridges associated with the Green Line. The design of the Ballard Crossing has been review by the City's Monorail Review Panel, with comments provided to the SMP that address design issues of the Crossing and structural supports. Further meetings are anticipated to address design development of the structure concurrent with reviews by Seattle Department of Transportation for guideway permitting requirements under SMC 15.54.

ANALYSIS – SUBSTANTIAL SHORELINE DEVELOPMENT PERMIT

The development site is located in a variety of Shoreline zones, including Urban Industrial, Urban Maritime and Conservancy Navigation. The following includes an analysis of the general development standards that pertain to all uses in the shoreline, with additional analysis for each relevant shoreline designation.

General Development Standards

Pursuant to SMC 23.60.152, all uses and developments shall be subject to the following general development standards:

A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.

B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.

The Final Environmental Impact Statement prepared by the SMP and US Coast Guard and issued on March 10, 2004 (FEIS) included a mitigation program that includes a series of general and site-specific water quality measures, including requirements for Temporary Erosion Control plans along with site-specific practices at the project site. In addition, the applicants have submitted and received approvals from federal and state agencies concerning both mitigation measures and Best Management Practices including, but not limited to, provisions to address stormwater runoff during and after construction, removal of terrestrial and aquatic soils during construction, erosion control practices and measures to protect water quality during construction. These approvals are included in the following permit documents:

- Hydraulic Project Approval, Washington Statement Department of Fish and Wildlife, dated June 10, 2004
- National Pollutant Discharge Elimination System, Waste discharge permit, Washington State Department of Ecology, dated June 30, 2004

- ESA Section 7 consultation approval, NOAA Fisheries and US Fish and Wildlife Service dated June 10, 2004

Further permits and approvals will be forthcoming from the Washington State Department of Ecology, the United States Coast Guard and Army Corps of Engineers, which may include additional provisions to protect water quality, protect aquatic species, ensure navigational clearances and meet requirements for dredge and fill in navigable waters. Additional reviews for the proposed Ballard Crossing will continue to occur by other City departments, including Seattle Department of Transportation and Seattle Public Utilities. Compliance with relevant City codes will be required, including the City's Stormwater Ordinance, to ensure that all waters are protected. Finally, prior to any approval by the US Coast Guard and any commencement of construction, WSDOE must certify that there is reasonable assurance that the project will meet all water quality standards.

C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels with petroleum product capacities of ten thousand five hundred (10,500) gallons or more.

Not applicable.

D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

As part of the mitigation program in the FEIS, other application materials and technical memoranda were submitted to DPD by SMP that assess the amount of pollutants that will be deposited in the Ship Canal and Salmon Bay due to runoff from the guideway and related structures. These technical memoranda analyze the type, nature and extent of pollutants, in particular zinc, copper and other heavy metals that will be contained in runoff. In addition, information in the Biological Assessments provided with the application materials shows that some sediment in these affected waterways exceed state standards. To further protect water quality, the applicants shall incorporate in the Construction Management Plan (discussed in SEPA review, below) elements of the Stormwater Pollution Prevention Plan (SWPPP) to address best management practices to minimize pollutant loading in sediment at the Ship Canal that is associated with construction activity. Additionally, SMP is required to meet water quality and sediment standards, as is required in the NPDES permit referenced above.

E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catchbasins or settling ponds, interceptor drains and planted buffers.

F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.

G. All shoreline developments and uses shall control erosion during project construction and operation.

See discussion in subsections A-B above.

H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.

The proposed Ballard Crossing will require a minimum of nine in-water support pier/columns. As part of the review of the proposal by Washington State Department of Fish and Wildlife (WDFW), NOAA Fisheries, the United States Department of Fish and Wildlife Services (USFW) and the Washington State Department of Ecology (WSDOE), a mitigation program entitled "Proposed Compensatory Mitigation Plan for Impacts to Aquatic Resources Functions Associated with the Preferred Alternative for the Green Line" (also called the Salmon Bay Natural Area Project)was developed and proposed by SMP, and accepted by the Services and required by WDFW as a condition of its Hydraulic Permit Approval (HPA). Before WSDOE accepts this program, WSDOE will require additional review. An element of this program calls for the donation of $150,000 for mitigation of permanent structures associated with the Ballard Crossing. The payment must directly compensate for the loss of 1,200 square feet of substrate for the Ballard Crossing's support pier/columns. In addition, the program provides $75,000 to compensate for the use of temporary in-water structures. This additional funding is slated for use for both the Ballard Crossing and the West Seattle Bridge Crossing (see MUP #2400381). The total funds provided under this compensatory plan would be for habitat restoration at the Salmon Bay Natural Area and would be paid to Seattle Public Utilities. .

The impact from the Ballard Crossing includes the loss of 1,200 square feet of substrate from the footprint of the in-water piers and columns; the new surface area of the columns in the water and shading impacts associated with the temporary trestles. The nine in-water columns will each range between 8 and 12 feet in diameter. The long-term presence of the in-water structures and the temporary trestles may create an opportunity for increased predation of protected species. DPD concurs that the proposed compensatory mitigation plan will reasonably mitigate impacts by creating and restoring off-site habitat.

DPD recognizes that SMP intends to enter into an agreement with Seattle Public Utilities, which is the sponsor of the Salmon Bay Natural Area Project, relating to the implementation of the Project. The monetary contribution of SMP to the funding of the Salmon Bay Natural Area Project is appropriate and sufficient mitigation, so long as SMP also funds a monitoring and restoration plan, as described herein.

1. The agreement with Seattle Public Utilities shall provide for the creation of near-shore and in-water habitat for protected species. The Plan for creation of this habitat should include:

a) A location map
b) Goals and objectives
c) Performance standards
d) A planting schedule
e) A site plan
f) Site preparation and planting methods
g) A maintenance program
h) A monitoring program to evaluate the success of the plan in establishing habitat for protected species

2. The monitoring program should be designed and implemented as a component of the compensatory mitigation plan in order to evaluate the success of the plan to offset the anticipated temporary and permanent impacts of the Ballard and Duwamish Crossings. This monitoring program shall occur at years one, two, three and five, post-project construction. SMP may either implement the monitoring program itself based on a workplan that is acceptable to SPU and DPD and provide the results to both departments or may pay SPU for the cost doing so. If SMP elects to pay SPU, the cost to SMP shall not exceed $35,000 per year for four years payable at the time this Plan is accepted. Monitoring should take place during the period when juvenile salmon, especially Chinook salmon are expected to use the site and shall be a replicate of the baseline monitoring that SPU has funded entitled Memorandum of Agreement Between the City of Seattle and the University of Washington for Salmon Bay Natural Area Aquatic Monitoring SPU Agreement No. DA2004-01.

SMP's agreement with Seattle Public Utilities shall provide that the funding provide by SMP shall revert to SMP in the event that construction of the Project does not commence within three years of this authorization. SMP shall thereafter within six months develop an alternative compensatory mitigation plan with monitoring that provides sufficient aquatic benefits to fully offset the temporary and permanent effects of the Ballard and Duwamish Crossings. SMP shall seek the approval of the relevant state and federal fishery and water quality agencies, and DPD, and shall proceed with implementation upon receipt of all necessary approvals and authorizations.

I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.

Not applicable.

J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.

The proposed Ballard Crossing is a permitted use in the zones it crosses. In addition, the location and dimensions of the proposed Ballard Crossing are designed to minimize impacts on surrounding land uses

through location of structural elements in relation to existing business and structures, including the location of such elements in relation to access for businesses. The design of the bridge also allows continued use of nearby waterways for water related and water dependant uses. Finally, the height of the bridge is designed to continue the use of the Ship Canal by seagoing vessels that currently utilize the Ship Canal.

K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.

Not applicable.

L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.

The crossing will be designed pursuant to Fire Department and engineering standards to ensure safe passage and structural stability, following permit review by SDOT, Seattle Fire Department and other permitting agencies.

M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.

The scope of work does not require any of these structural supports.

N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.

See response to subsections A-B above.

O. Navigation channels shall be kept free of hazardous or obstructing development or uses.

The in-water piers and the rest of the Ballard Crossing have been designed to keep the Ship Canal open, based on consultation between SMP and U.S. Coast Guard.

P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

Not applicable.

Q. Submerged public right-of-way shall be subject to the following standards:

1. All structures shall be floating except as permitted in subsection Q2 below;
2. Piling and dolphins may be permitted to secure floating structures only if the structures cannot be safely secured with anchors or with pilings or dolphins located outside of the right-of-way;
3. The maximum height of structures shall be fifteen feet (15');
4. Structures shall not occupy more than thirty-five (35) percent of the right-of-way and shall not occupy more than forty (40) percent of the width of the right-of-way;
5. A view corridor or corridors of not less than fifty (50) percent of the width of the right-of-way shall be provided and maintained; and
6. An open channel, unobstructed by vessels or structures for access to and from the water for public navigation and for access to adjacent properties shall be maintained.

Not applicable.

R. Within all Shoreline Districts, submerged lands shall not be counted in calculating lot area for purposes of minimum lot area requirements of Single-family zones or density standards of other zones.

Not applicable.

Shoreline Environments

In addition to the general shoreline standards listed above, the proposal is also located in three separate shoreline environments: Conservancy Navigation, Urban Maritime and Urban Industrial. The following is an overview of the impacts of the proposal on each environment, based on relevant Code language.

1. Conservancy Navigation Environment

The Ballard Crossing crosses over a Conservancy Navigation Environment located in Salmon Bay. Bridges are permitted as a Special Use in the Conservancy Navigation Environment, subject to criteria in SMC 23.60.032. These criteria are listed below, with responses:

A. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Shoreline Policies;

The Ballard Crossing is a water-dependant use. The design of the Ballard Crossing appear to minimize impacts on the Ship Canal based on the height of the structure relative to the navigation channel as well as the placement of the piers that do not appear to conflict with its use for navigation. The Ballard Crossing is located in an industrial waterway that is home to another bridge (Ballard Bridge) and other in-water structures and overwater coverage. The height and location of the Ballard Crossing is designed to allow for continued use of the surrounding waterways as navigable waters and for the home of water-dependant and water-related businesses. While the Ballard Crossing does not include the creation of additional shoreline access, it does not reduce any available shoreline access in the immediate area. The issuance of a permit for the bridge would facilitate the approval of the larger

Monorail Transit facility. Therefore, the proposal is consistent with RCW 90.58 as well as general and area objective Shoreline Policies in the City's Comprehensive Plan.

B. That the proposed use will not interfere with the normal public use of public shorelines;

No shoreline access points are located within the immediate area of the development site. In addition, column placement is designed to allow for the continued use of the navigation channel.

C. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area;

The size and dimensions of the proposed Ballard Crossing appear to meet required specifications of the Coast Guard to ensure long term uses of the Ship Canal. The proposed Crossing has been placed to minimize impacts on adjacent businesses, including Fisherman's Terminal and other maritime uses.

D. That the proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located; and

The location of the proposed Crossing will not adversely affect the maritime activities associated with the Conservancy Navigation Environment. The location of the Crossing is consistent with the CM Environment's purpose and locational criteria, found in SMC 23.60.220C.

E. That the public interest suffers no substantial detrimental effect.

Approval of the proposed Ballard Crossing will not substantially detrimentally affect the public interest, assuming that SMP adheres to all conditions imposed by agencies with jurisdiction over the project.

SMC 23.60.270 - In addition to development standards applicable to all environments contained in Subchapter III, General Provisions, developments in the Conservancy Navigation Environment shall be located and designed to avoid interference with navigation. Buoys or other markings may be required to warn of navigation hazards.

All support structures and constructed related activities appear to be located to avoid conflicts with shipping related activities.

2. Urban Maritime Environment

The Urban Maritime (UM) Environment is located south of the Conservancy Navigation zone and is located primarily on lands owned by the Port of Seattle. The eastern boundary of the UM Environment is approximately 90 feet west of the centerline of the existing Ballard Bridge. Applicable use and development standards in the UM Environment are:

SMC 23.60.720 Uses permitted outright on waterfront lots in the UM Environment.

Bridges are an allowed use in the UM Environment.

SMC 23.60.752 Height in the UM Environment.

Bridges may exceed the maximum height limit.

SMC 23.60.754 Lot coverage in the UM Environment.

A. Waterfront Lots.

1. Structures, including floats and piers, shall not occupy more than fifty (50) percent of the submerged portion of a waterfront lot, except as modified by subsection C.

The piers supporting the proposed Ballard Crossing do not cause the applicable parcels to exceed this limitation.

SMC 23.60.758 Regulated public access in the UM Environment.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront, whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

The Ballard Crossing falls within the exceptions to the requirement.

3. Urban Industrial Environment

Portions of the development area are located in the Urban Industrial (UI) Environment. These lands include both submerged and dryland portions in Ballard and the submerged parcels at and immediately west of the existing Ballard Bridge.

SMC 23.60.840 Uses permitted outright on waterfront lots in the UI Environment.

Bridges are a use permitted outright on waterfront lots in the Urban Industrial Environment as either principal or accessory uses:

SMC 23.60.872 Height in the UI Environment.

Bridges may exceed the maximum height limit.

SMC 23.60.882 Regulated public access in the UI Environment.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront, whether leased to private

lessees or not, except harbor areas, shorelands, tidelands and beds of navigable waters not abutting dry land.

The Ballard Crossing falls within the exceptions to the requirement.

ANALYSIS – STATE ENVIRONMENTAL POLICY ACT (SEPA)

SMP, as lead agency, in conjunction with the US Coast Guard, has disclosed the environmental impacts of the proposed Ballard Crossing as part of the FEIS. The FEIS includes information on three different alternative bridge crossings/locations. The preferred alternative chosen in the FEIS is essentially the same as the project identified in the application materials for this project. The Director will therefore use the FEIS. The information in the FEIS, supplemental information provided by the applicant (plans, further project descriptions), and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

SMC 25.05.660 allows for conditioning of a project to "mitigate the environmental impact" based upon "mitigation measures...related to specific, adverse environmental impacts clearly identified in an environmental document on the proposal". In addition, the City may also rely on the analysis and mitigation program from other federal, state or local agencies if the City finds that said analysis and mitigation provides "adequate analysis of and mitigation for the specific adverse environmental impacts of the project action…, the City as lead agency shall not impose additional mitigation…"

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* (subject to some limitations).

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is presented below.

Short - Term Impacts

The following temporary or construction-related impacts are expected:

- decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment;

- increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work;

- increased traffic and demand for parking from construction equipment and personnel;

- conflicts with normal pedestrian and vehicular movement adjacent to the site;
- increased noise; and
- consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The Environmental Critical Areas (ECA) ordinance and Director's Rules (DR) 3-93 and 3-94 regulate development and construction techniques in designated ECAs. Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Other impacts may not be adequately mitigated by existing ordinances, as discussed below.

Air Quality

Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. Compliance with PSCAA regulations will mitigate the potential adverse short term impacts to air associated with new construction. This compliance is documented in the FEIS under Section 4.17, along with mitigation for those impacts. Therefore, no further mitigation pursuant to SEPA policies in SMC 25.05.675A is warranted.

Construction Impacts

SMC 25.05.675B provides policies for the limitation of construction related impacts. In addition, there are several City codes that will provide authority to evaluate and address impacts of the project, including the City's ECA ordinance, the Stormwater, Grading and Drainage Control Code and the City's Shoreline Code. Consistent with SMC 25.09.100, soils engineering studies are required prior to issuance of a building permit for the project to determine the physical properties of the surficial soils, especially the thickness of the unconsolidated deposits, and their liquefaction potential. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used.

The FEIS for this project included review, analysis and mitigation of construction related impacts. The FEIS mitigation program provides for general and site specific construction related impacts, with commitments by the SMP to provide mitigation and best management practices in permits approved by state and federal permitting agencies. However, in order to ensure implementation of specific mitigation, a site specific plan documenting all construction related mitigation measures must be provided prior to the issuance of construction permits. .

Therefore, pursuant to the City's SEPA authority under SMC 25.05.675B, the applicant shall prepare a Construction Management Plan to address mitigation of impacts resulting from all construction activities at this site. The Plan shall include a discussion of management of construction related noise arising from

all associated impacts, including noise produced from over water work, noise and transportation impacts associated with hauling of materials and movement of any spoils, parking locations needed to accommodate worker parking, efforts to mitigate noise impacts and community outreach efforts concerning likely impacts and mitigation efforts. The Plan may also be incorporated into any Construction Management Plans required to mitigate any short term transportation impacts that result from the project. The development of such a plan will mitigate the adverse construction related impacts anticipated under SMC 25.05.675B.

Archeological/Cultural Resources

Because a portion of the proposal site is located with the identified U.S. Government Meander Line, the potential exists for discovery of previously unknown archeological significant resources. DR 2-98 provides clarification of the SEPA Historic Preservation Policy for potential archeologically significant sites (SMC 25.05.675.H) and requirements for archeological assessments. Therefore, in the event such resources are found during construction, the proposal will be conditioned pursuant to DR 2-98 and as noted at the end of this report. Upon execution of the National History Preservation Act, Section 106 Memorandum of Agreement (MOA) which will be signed by the United States Coast Guard, Advisory Council on Historic Preservation, State Historical Preservation Officer and the Mayor of the City of Seattle, the specific terms of the MOA will be followed with regard to the treatment of archaeological finds. The MOA addresses the requirements of the above referenced DR 2-98.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal, and include:

- impact on the existing and/or anticipated industrial and commercial uses in the vicinity of the project;
- increased height, bulk and scale on the site;
- increased ambient noise due to operations of the system;
- increased demand on public services and utilities;
- increased light and glare; and
- increased energy consumption.
- increased water pollution

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code requires on-site collection of stormwater, with provisions for controlled tightline release to an approved outlet, and additional design elements to prevent isolated flooding. The Land Use Code controls site coverage, setbacks, building height and use, and contains other development and use regulations to assure compatible development. Generally, compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of

most long-term impacts. However, due to the scale and nature of the proposal, potential impacts warrant further analysis.

Public View Protection

SMC 25.05.675P provides policies that protect views of "significant natural and man-made features," including the Cascade Mountains and the Ship Canal, from certain viewpoints and corridors, including the Ballard Bridge. Views of the Ship Canal are included in these protections. Further, views from the existing Ballard Bridge are protected because the Bridge is included in those views protected under this code, as represented on Attachment 1 from this code. The placement of a new structure to the west of the Ballard Bridge would interrupt the view of the Ship Canal from that Bridge.

As part of the analysis provided in the FEIS, along with supplemental documentation during this permit review, schematic drawings and other information were developed to analyze what, if any impacts would be caused by the intrusion of the new Ballard Crossing in this view corridor. While views of the Ship Canal and Salmon Bay from the Ballard Bridge will be altered as a result of the bridge, the height of the bridge decking, coupled with the proposed 8-12 foot width of the pier/columns, suggest that these protected views will not be substantially affected. However, the presence of the bridge and related structures in this view corridor, especially considering the proximity of the Ballard Crossing to the Ballard Bridge, will result in aesthetic impacts that should be mitigated. Accordingly, the project is conditioned under SMC 25.05.675P to develop design details that provide additional visual interest along the Crossing, its support structures and other details visible from the existing Ballard Bridge. The condition may be fulfilled through review of the Crossing and related structural components that may be viewed from the Ballard Bridge by the City's Design Commission, City of Seattle Monorail Review Panel or other successor body empanelled under SMC 23.80 or 23.41.004.

CONDITIONS – SUBSTANTIAL SHORELINE DEVELOPMENT PERMIT

Prior to the issuance of a Building or Grading Permit

1. SMP shall implement its proposed Compensatory Mitigation Plan through an appropriate agreement with Seattle Public Utilities, which is the sponsor of the Salmon Bay Natural Area Project. The agreement shall provide for:

   A. The creation of near-shore and in-water habitat for protected species. The plan shall include:

      1) A location map
      2) Goals and objectives
      3) Performance standards
      4) A planting schedule
      5) A site plan
      6) Site preparation & planting methods

7) A maintenance program
8) A monitoring program to evaluate the success of the plan in establishing habitat for protected species at the site.

B. The monitoring program should be designed and implemented as a component of the compensatory mitigation plan in order to evaluate the success of the plan to offset the anticipated temporary and permanent impacts of the Ballard and Duwamish Crossings. This monitoring program shall occur at years one, two, three and five, post-project construction. SMP may either implement the monitoring program itself based on a workplan that is acceptable to SPU and DPD and provide the results to both departments or may pay SPU for the cost doing so. If SMP elects to pay SPU, the cost to SMP shall not exceed $35,000 per year for four years payable at the time this Plan is accepted. Monitoring should take place during the period when juvenile salmon, especially Chinook salmon are expected to use the site and shall be a replicate of the baseline monitoring that SPU has funded entitled Memorandum of Agreement Between the City of Seattle and the University of Washington for Salmon Bay Natural Area Aquatic Monitoring SPU Agreement No. DA2004-01.

SMP's agreement with Seattle Public Utilities shall provide that the funding provide by SMP shall revert to SMP in the event that construction of the Project does not commence within three years of this authorization. SMP shall thereafter within six months develop an alternative compensatory mitigation plan with monitoring that provides sufficient aquatic benefits to fully offset the temporary and permanent effects of the Ballard and Duwamish Crossings. SMP shall seek the approval of the relevant state and federal fishery and water quality agencies, and DPD, and shall proceed with implementation upon receipt of all necessary approvals and authorizations.

CONDITIONS – SEPA

Prior to the issuance of a Building or Grading Permit

1. The applicant shall prepare a Construction Management Plan to address mitigation of impacts resulting from all construction activities at this site. The Plan shall include a discussion on management of construction related noise arising from all associated impacts, including noise produced from over water work, noise and transportation impacts associated with hauling of materials and movement of any spoils, parking locations needed to accommodate worker parking, efforts to mitigate noise impacts and community outreach efforts concerning likely impacts and mitigation efforts. The Plan may also be incorporated into any Construction Management Plans required to mitigate any short term transportation impacts that result from the project.
2. The project must include development of design details that provide additional visual interest along the bridge, its support structures and other visible details from the existing Ballard Bridge. The condition may be fulfilled through review of the Bridge and related structural components that may be viewed from the Ballard Bridge by the City's Design Commission, City of Seattle Monorail Review Panel or other successor body empanelled under SMC 23.80 or 23.41.004.

3. The applicants shall incorporate into the Construction Management Plan elements of the Stormwater Pollution Prevention Plan (SWPPP) to address best management practices to minimize pollutant loading in sediment at the Ship Canal that is associated with construction activity. Additionally, SMP is required to meet water quality and sediment quality standards, as is required in the NPDES permit referenced above.

During Construction

1. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:

- Stop work immediately and notify DPD (Michael Jenkins, 206-615-1331) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP).

- Follow the procedures outlined in Appendix A of DR 2-98 for assessment and/or protection of potentially significant archeological resources.

- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Signature: (signature on file) Date: August 12, 2004
Michael L Jenkins, Land Use Planner
Department of Planning and Development
Land Use Services

MLJ:bg
I:\JenkinM\Doc\Monorail\ballard crossing\publication draft 2400369-372.doc